



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROOSEVELT MARSH, III,
Petitioner,
v.
V. M. ALMAGER, Warden,
Respondent.

Civil No. 08-1067 W (CAB)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has not paid the \$5.00 filing fee and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. He has also filed a signed copy of his Prison Certificate and copy of his prison trust account statement, which this Court construes as a request to proceed in forma pauperis. Petitioner's trust account statement reflects a \$13.69 balance. The filing fee associated with this type of action is \$5.00. See 28 U.S.C. § 1914(a).

It appears Petitioner can pay the requisite filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice; Petitioner may submit a copy of this order along with the requisite fee no later than August 25, 2008, to have the case reopened.

IT IS SO ORDERED.

DATED: 6/30/08

Thomas J. Whelan
United States District Judge